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1 JUL -6 AM 10:19

CLERK, U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY: _____

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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DESMOND CARTER,

Plaintiff,

VS.

**COUNTY OF LOS ANGELES; A
POLITICAL SUBDIVISION OF THE
STATE OF CALIFORNIA; BONDELL
GOLDEN, an individual; DENNIS
BURNS, an individual; MARVIN
CAVANAUGH, an individual; AND
DOES 1 THRU 10 INCLUSIVE**

Defendants.

LACV 11-5543 JHN/SS

Case No.:

COMPLAINT FOR:

**VIOLATIONS OF FEDERAL
CIVIL RIGHTS - ACTION
UNDER 42 U.S.C. §§1983, ET SEQ.
- FOR THE UNLAWFUL
TAKING OF A PROPERTY
INTEREST AND LIBERTY
INTEREST WITHOUT DUE
PROCESS OF LAW PURSUANT
TO THE FIFTH
AND FOURTEENTH
AMENDMENTS TO THE
UNITED STATES
CONSTITUTION**

JURY TRIAL DEMAND

FACTS ONLY

1. Plaintiff Desmond Carter ("Carter") was a sworn peace officer employed by the County of Los Angeles ("COLA") in the State of California pursuant to the provisions of Penal Code §830.31 and was a POST-Certified peace officer in the State of California, from 2005 until August, 2010, when he was deprived of his liberty and property interests illegally, by Defendants COLA, BONDELL GOLDEN, an individual; DENNIS BURNS, an individual; MARVIN CAVANAUGH, an individual; AND DOES 1 THRU 10 INCLUSIVE (Defendants). All parties to the action resided and worked in and for the County of Los Angeles.

2. At all relevant times, Carter was an exceptional sworn police officer and exceeded all qualifications for the job in every respect. Carter was further medically qualified to perform the peace officer position at the Office of Public Safety (OPS) and Los Angeles Sheriff's Department ("LASD").

3. At all relevant times, Defendant COLA was and is a political subdivision, and is responsible for the offices of the COUNTY SHERIFF.

4. At all times herein mentioned, the individual defendants named herein were employees, agents, and/or representatives of COLA and/or LASD. Consequently, each named individual defendant herein was operating under the color and authority of law.

5. Further, at all times herein mentioned, the individual defendants named herein were decision-makers in determining which former OPS officers would be dismissed from their peace officer jobs. At no time did any of the

1 individual defendants named herein provide Carter with due process of law as
2 required before an unlawful taking of a property interest and a reputation interest.

3
4 6. Carter is unaware of the true names and capacities of the Defendants
5 sued herein as DOES 1-10 inclusive, and therefore, sues these Defendants under
6 such fictitious names. Carter is informed and believes and thereon alleges that
7 each of said fictitiously named Defendants is responsible in some manner for the
8 actions and damaged alleged herein. Carter is furthermore informed and believes
9 and thereon alleges that each of said fictitiously named Defendants was the
10 agent, servant and employee of each and every other Defendant acting within the
11 course and scope of his or her agency and employment and with the knowledge,
12 ratification and consent of each respective principal. Carter will seek leave to
13 amend this Complaint when their true names and capacities have been
14 ascertained.

15 7. At all times herein mentioned, 42 U.S.C. §1983, et seq. were in full
16 force and effect. This statutory scheme was designed to prevent the deprivation of
17 civil rights by individuals acting under the color of state or local law.

18 8. In plain English: you cannot fire a police officer for alleged
19 misconduct without giving him a hearing, discussing it or letting him clear his
20 name. Why? Because, it ruins his career for life. No agency will never hire you
21 again if you were fired for misconduct. So, consistent with what the Framers
22 intended, police officers like Carter are always entitled to a hearing where there is
23 alleged misconduct. The Defendants took that right away from him.

24 9. In legal terms: "[U]nquestionably, a broad discretion reposes in
25 governmental agencies to determine which [probationary] employees they will
26 retain" [citation]. But there is an important exception to this rule, which is founded
27 upon the Fourteenth Amendment. It arises where there is a deprival of the 'liberty'
28 guaranteed all persons by that amendment's due process clause. **The exception will**

1 be applied where the probationary employee's job termination, or dismissal, is
 2 based on charges of misconduct which 'stigmatize' his reputation, OR
 3 'seriously impair' his opportunity to earn a living [citation], or which 'might
 4 seriously damage his standing or associations in his community' [citations]."
 5 (*Lubey v. City and County of San Francisco* (1979) 98 Cal.App.3d 340, 345-346,
 6 fn. omitted (Lubey).)

7
 8 10. So Carter was entitled to a hearing BEFORE being fired, or in legal
 9 terms: "Where there is such a deprivation of a 'liberty interest' the employee's 'remedy
 10 mandated by the Due Process Clause of the Fourteenth Amendment is "an
 11 opportunity to refute the charge" [and] "to clear his name." [Citation.] **He must be**
 12 **afforded "'notice and opportunity for hearing appropriate to the nature of**
 13 **the case" before the termination becomes effective.'**" [Citation.]" (*Lubey*, supra,
 14 98 Cal.App.3d at p. 346, fn. omitted.)

15
 16 11. These rights are also entitlements under California law and this is not
 17 a novel idea, to wit, the Bill of Rights Act applies to probationary peace officers.
 18 (*Barnes v. Personnel Department* (1978) 87 Cal.App.3d 502, 504.) It permits the
 19 probationary peace officer the chance to establish a formal record of the
 20 circumstances surrounding his or her termination. (*Id.* at p. 506.) Also,
 21 Government Code section 3304 provides a peace officer "a chance to . . . try to
 22 convince his employer to reverse its decision" (*Riveros v. City of Los Angeles*
 23 (1996) 41 Cal.App.4th 1342, 1359.) **"Where there is such a deprivation of a**
 24 **'liberty interest' the employee's 'remedy mandated by the Due Process Clause**
 25 **of the Fourteenth Amendment is "an opportunity to refute the charge" [and]**
 26 **"to clear his name." [Citation.] He must be afforded "'notice and**
 27 **opportunity for hearing appropriate to the nature of the case" before the**
 28

1 termination becomes effective.'" [Citation.]" (*Lubey*, supra, 98 Cal.App.3d at
2 p. 346, fn. omitted.).

3
4 12. In or about June 2010, the OPS and LASD merged, but at all times,
5 Carter remained an employee of COLA. Nevertheless, as a result of the merger,
6 Carter and the other OPS officers were reclassified as "probationary" employees,
7 regardless of how much time they had already been employed by COLA, and
8 regardless of whether or not they had previously passed their "probationary" periods.

9
10 13. As a result of the reclassification, Carter and the other OPS officers lost
11 their rights, property interests and liberties.

12 14. The reclassification constitutes a violation of the Peace Officer Bill of
13 Rights, which mandates that all employees of COLA who have been employed past
14 their original probationary period when they were first hired, are deemed to have
15 passed COLA's probationary period, and never get probation again just because they
16 are given new uniforms. At the time COLA employees complete their probationary
17 period, they become tenured employees.

18
19 15. In June 2010, Carter had already completed his probationary period
20 with COLA, and had been an officer for 5 years, while with OPS. As such, there
21 was no basis for COLA to deprive Carter of his vested "property" and "liberty"
22 interests in his job simply because two COLA Departments merged.

23
24 16. In August., 2010, Carter was nearly killed by a drunk assailant
25 named Ronald Teeman, who was recklessly driving around erratically and hitting
26 things. **Teeman was hammered and had just had a confrontation at a bar.**
27 **Teeman then had a collision with Carter's car while driving in a parking lot.**
28 **Carter asked Teeman to exchange information, and Teeman tried to escape,**

1 dragging Carter around the parking lot while incredibly drunk. As the Los
2 Angeles Detectives and District Attorney determined, Carter had a DUTY to
3 use force to stop this maniac. Carter, as a police officer had to stop this
4 drunken maniac from driving around and hitting things.

5
6 17. In connection with the above incident, Carter discharged his
7 weapon at drunk driver's vehicle, as he was a fleeing felon As a result, as is
8 required every time a sworn peace officer discharges his weapon, COLA
9 conducted an investigation into the incident. Carter was interviewed by
10 Defendants in connection with the investigation. At the conclusion of the
11 investigation, on or about early 2011, Carter was informed by the Los
12 Angeles District Attorney, that he was cleared of any wrongdoing.

13
14 18. In August, 2010, 6 days after the incident with the suspected drunk
15 driver, Carter was Given a letter by the Defendants in this case, and the letter told
16 Carter, that he lacked judgement, lacked common sense and was dangerous, and
17 therefore was being fired.

18 **FIRST CAUSE OF ACTION FOR VIOLATIONS OF FEDERAL**
19 **CIVIL RIGHTS - ACTION UNDER 42 U.S.C. §§1983, ET SEQ. - FOR**
20 **THE UNLAWFUL TAKING OF A PROPERTY INTEREST AND**
21 **LIBERTY INTEREST WITHOUT DUE PROCESS OF LAW PURSUANT**
22 **TO THE FIFTH AND FOURTEENTH AMENDMENTS TO THE UNITED**
23 **STATES CONSTITUTION**

24
25 (Against All Defendants)

26 19. Carter incorporates paragraphs 1 through 18 herein by reference, as if
27 set forth in full.
28

1 20. Carter had been a peace officer of the former OPS, a law
2 enforcement agency operated under the aegis and jurisdiction of Co-Defendant
3 COLA and was considered to be an employee of COLA. At the time of his
4 termination, Carter has passed his probationary period and could only be
5 terminated for "good cause". Carter was NOT an "at will" employee who could
6 be terminated with or without a good reason and with or without notice of that
7 so-called "good reason". Before he could be effectively terminated from his
8 peace officer position, Carter was entitled to a due process hearing ("Skelly-type"
9 hearing or "liberty interest" hearing or any similar type of hearing with notice of
10 the reasons for his particular dismissal from employment with COLA and the
11 ability to challenge the so-called reasons before an impartial and neutral fact-
12 finder and decision-maker).

14 21. Carter was accused of misconduct, lacking common sense, recklessly
15 firing his weapon, and lacking judgment, all of which meant the loss of his job,
16 career, reputation, liberty and property, all without a chance to clear his name,
17 without notice and without a hearing.

18 22. As a result of Defendants' unlawful actions, Carter lost his POST
19 certification, his career, livelihood and everything he ever worked for.
20 Defendants simply took everything away from the Plaintiff illegally. Carter life
21 has been destroyed and he and his wife live in fear of the criminals he arrested
22 and to whom he was custodian.

24 23. Carter had a legitimate claim of entitlement to his career and chosen
25 profession as a peace officer, which gave rise to a protected property interest and
26 liberty interest that imposed a significant limitation on the discretion of the
27 individual decision-makers and COLA. These interests arose both under state
28

1 law and under the Fifth and Fourteenth Amendments to the United States
2 Constitution.

3 24. Carter also had a legitimate claim of entitlement to his reputation
4 interest as a peace officer. This reputation interest also imposed a significant
5 limitation on the discretion of the individual decision-makers.
6

7 25. Carter was subjected to dismissal as a peace officer because of allegations
8 OF MISCONDUCT WITHOUT NOTICE OR A HEARING, EVEN THOUGH
9 he had and/or has a liberty interest in his employment and in his reputation which
10 is protected by the Due Process Clause of the Fifth and Fourteenth Amendments
11 to the United States Constitution, since his ultimate dismissal effectively
12 precluded him from future work in his chosen profession.

13 26. Defendants violated Carter's civil rights by making decisions
14 that affected his Fifth Amendment property interests and their reputation interests
15 without providing him with due process of law under the Fourteenth Amendment.
16 This action is redressable under 42 U.S.C. §§ 1983, et seq., and said statute also
17 provides Carter the full panoply of remedies available under this federal statutory
18 scheme.
19

20 27. As a direct result of the unlawful deprivation of the federal civil
21 rights arising under this cause of action, Carter has sustained, and will continue
22 to sustain for a period of time, compensatory damages, including, but not limited
23 to, loss of income and lost future earning capacity, all in an amount according to
24 proof at the trial of this action.

25 28. As a further direct result of the unlawful deprivation of his
26 federal civil rights, Carter has sustained, and will continue to sustain for a period
27 of time, general damages, including, but not limited to, loss of income and lost
28

1 future earning capacity, all in an amount according to proof at the trial of this
2 action.


3 29. Carter is entitled to his reasonable attorney's fees pursuant to
4 42 U.S.C. §1988(b).
5

6 30. Each named individual defendant herein acted with malice,
7 oppression, and fraud, and therefore is liable in punitive damages in an amount
8 according to proof at trial.
9

10 WHEREFORE, Plaintiff prays for judgment against Defendants and each of
11 them as follows:
12

- 13 1. For special damages for the care and treatment of physical injuries and
14 emotional distress;
- 15 2. For general damages in a sum to be determined according to proof;
- 16 3. For punitive damages against individual defendants under applicable
17 causes of action;
- 18 4. For Declaratory relief under 42 U.S.C. Section 1983;
- 19 5. For Attorney's Fees under 42 U.S.C. Section 1988;
- 20 6. For costs of suit; and
- 21 7. For such other and further relief as this court may deem just and proper.
22
23
24

25 DATED: July 4, 2011
26



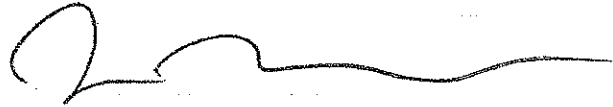
27 OKORIE OKOROCHA
28 Attorney for Plaintiff

1 DESMOND CARTER

2 **JURY TRIAL DEMAND**

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4 **Plaintiff hereby demands and requests a trial by jury.**

5 DATED: July 4, 2011



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7 OKORIE OKOROCHA
8 Attorney for Plaintiff
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Jacqueline Nguyen and the assigned discovery Magistrate Judge is Suzanne H. Segal.

The case number on all documents filed with the Court should read as follows:

CV11- 5543 JHN (SSx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:

OKORIE OKOROCHA (State Bar No. 226658)

117 E. Colorado Blvd., Suite 465

Pasadena, CA 91105

626-792-1301 Telephone

Email: okorie@gmail.com

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DESMOND CARTER,

CASE NUMBER

PLAINTIFF(S)

LACV11-5543 JHN/SSx

v.

County of Los Angeles; A Political Subdivision of the State
of California; Bonnell Golden, an individual; Dennis
Burns, an individual; Marvin Caranagh, an
individual; and Does 1 thru 10 inclusive

DEFENDANT(S).

SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, OKORIE OKOROCHA, whose address is 117 E. COLORADO BLVD., SUITE 465, PASADENA, CA 91105. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: JUL - 6 2011

By:


Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEETI (a) PLAINTIFFS (Check box if you are representing yourself ☐)
DESMOND CARTERDEFENDANTS
COUNTY OF LOS ANGELES; A POLITICAL SUBDIVISION OF THE
STATE OF CALIFORNIA; BONDELL GOLDEN, an individual; DENNIS
BURNS, an individual; MARVIN CAVANAUGH, an individual; AND DOES 1

THRU 10 INCLUSIVE

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing
yourself, provide same.)OKORIE OKOROCHA (State Bar No. 226658)
117 E. Colorado Blvd. • Suite 465
Pasadena, California 91101 Phone: (626) 792-1301

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S.
Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship
of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|--|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place
of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place
of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No

MONEY DEMANDED IN COMPLAINT: \$ According to Proof

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
42 U.S.C. §§1983

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal <input type="checkbox"/> 385 Property Damage <input type="checkbox"/> 385 Product Liability <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number

LACV11-5543

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
If yes, list case number(s):

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
If yes, list case number(s):

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
☒ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): [Signature] Date July 4, 2011

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))